

Town of Haysi
Minutes of Monthly Town Council Meeting
December 7, 2010, 7:00 p.m.

On December 7, 2010, the regular meeting of the Haysi Town Council was held in the Council Chambers of the Haysi Town Hall Municipal Building located at 322 Main Street, Haysi, Virginia.

The following members were present:

Mayor Larry Yates, Vice Mayor Michael Harris and Council Members: Diana Reedy, Barry Whitt, Joe Sperow, Rocky Wood & Johnnie Branham

The following members were absent: None

ITEMS # I & II

The meeting was called to order by Mayor Larry Yates at 7:05 p.m. Chief George Wallace offered the invocation.

ITEM # III - APPROVAL OF THE AGENDA

At this time Mayor Yates asked the Council for any additions and/or changes to the agenda.

Mayor Yates requested the following changes to the agenda under Old Business:

Item D- Revolving Loan Design Program-remove from agenda, not ready for discussion.

Mayor Yates requested the following changes and additions to the agenda under New Business as follows:

Item B-Employee Christmas Bonus and Christmas Party

Item F- Small Purchases Procedures (CDBG) –remove from agenda- town has a procedure in place.

Item G-Resolution 2010-08-Appropriation Resolution (CDBG)

Mayor Yates entertained a motion to accept the agenda with the additions and changes as requested.

Council Member Diana Reedy made the motion to approve the agenda with the noted additions and changes, with motion on the floor seconded by Council Member Joe Sperow. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # IV – APPROVAL OF MINUTES

Prior to the meeting, the Council had received for consideration of approval a copy of the following prepared minutes:

- November 2, 2010, Public Hearing—Animal Control Ordinance

Mayor Yates entertained a motion for approval. A motion was made by Council Member Diana Reedy and seconded by Council Member Rocky Wood to approve the minutes of the November 2, 2010, Public Hearing-Animal Control Ordinance. Let the record show the motion on the floor passed unanimously by verbal voting.

Prior to the meeting, Council had received for consideration of approval a copy of the following prepared minutes:

- November 2, 2010, Monthly Council Meeting

Mayor Yates entertained a motion for approval. A motion was made by Council Member Diana Reedy and seconded by Council Member Rocky Wood to approve the minutes of the November 2, 2010, Public Monthly Council Meeting. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # V – FINANCIAL REPORT

Mayor Yates mentioned to the council the financial report will be presented differently upon the recommendation of the auditor. The town's general fund bank statement, when received will be reviewed and initialed by the Mayor and Vice Mayor. The statement has been reviewed by both Mayor and Vice Mayor as of today.

At this time the Council was presented the following for approval:

- Current listing of payables due for December 2010
- October 2010 Financial Report listing: beginning balance, revenue, expenditures and ending balance.
- October 2010 itemized listing of expenditures including checks #9975-10059
- November 2010 Profit & Loss Report

Council Member Diana Reedy mentioned the reason for the transfer of money from savings to checking was due to Barbara Owens retiring.

Mayor Yates responded, "Yes."

Council Member Diana Reedy asked, "Does the town have a current business resolution?"

Mayor Yates replied, “Yes, banking resolutions are like a signature card and the banks do not like to let the most current ones out of the bank for obvious reasons.

Council Member Diana Reedy mentioned the one she saw was from Dominion Bank.

Mayor Yates replied, the resolution you seen is like the mother-ship of all banking resolutions, because if you read it in detail it has a lot of language.. I have a couple of more recent ones I can share with you. The town has new resolutions, since Mona joined the town.

After inspection of the November 2010 financial report, a motion was made by Council Member Rocky Wood to accept the November 2010 revenue and expenditures & financial report as presented, with the motion on the floor seconded by Council Member Johnnie Branham. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # VI – OLD BUSINESS

A-Police Department Activity Report

Chief George Wallace reported the month of November was busy with activities not only involving police work, but decorating the town for Christmas. The town was pleased to have the help of inmates to work on the installation of the decorations.

Chief Wallace reported the following police activities:

Traffic Summons	16
Vehicle Stops	16
Assist Motorist	06
Arrests and Charges	02
Offense Report	03
Accident Investigations	02
Incident Reports	11

Mayor Yates expressed his appreciation to Chief Wallace on his work getting the town ready for Christmas.

Chief Wallace mentioned he spoke with Patrolman Leroy Yates, and Leroy hopes to return to work on December 17.

B-Animal Control

Mayor Yates welcomed Shannon Senter, Animal Control Officer to the meeting.

Mayor Yates stated at last months meeting the animal control ordinance received public comment. He said he has been working on the ordinance this month and

mailed council members copies of additional information pertaining to the ordinance. This information will give the council knowledge of what legally can be done under the code section.

Mayor Yates read the following code sections:

3.2-6524 Unlicensed dogs prohibited: ordinances for licensing cats

- A. It shall be unlawful for any person other than a releasing agency that has registered as such annually with local animal control to own a dog four months old or older in the Commonwealth unless such dog is licensed, as required by the provisions of this article.
- B. The governing body of any locality may, by ordinance, prohibit any person other than a releasing agency that has registered as such annually with local animal control from owning a cat four months old or older within such a locality unless such cat is licensed as provided by this article.

3.2-6528 Amount of license tax

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than \$1.00 and not more than \$10.00 for each year. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for a license tax for kennels of 10,20,30,40, or 50 dogs or cats not to exceed \$50.00 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person.

As used in this section, “hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and “service dog” means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

3.2-6527 How to obtain license

Any person may obtain a dog license or cat license if required by an ordinance adopted pursuant to subsection B of 3.2-6524, by making oral or written application to the treasurer of the locality where such person resides, accompanied by the amount of license tax and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained. The treasurer or other officer charged with the duty of issuing dog and cat licenses shall only have authority to license dogs and cats of resident owners or custodians who reside within the boundary limits of his county or city and may require information to this effect from any applicant. Upon receipt or proper application and current certificate of vaccination as required by this article or satisfactory evidence that such certificate has been obtained, the treasurer or other officer charged with the duty of issuing dog and cat license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag whether dog or cat, whether male or female, whether spayed or neutered, or whether a kennel, and deliver the metal license tags or plates provided for herein. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient location in the county or city and appoint agents for the collections of the license tax and issuance of such licenses.

3.2-6587 Unlawful acts; penalties.

- A. The following shall be unlawful acts and are Class 4 misdemeanors:
 - 1. For any person to make a false statement in order to secure a dog or cat license to which he is not entitled.
 - 2. For any dog or cat owner to fail to pay any license tax required by this chapter before February 1 for the year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog or cat.
 - 3. For any dog owner to allow a dog to run at large in violation of an ordinance passed pursuant to 3.2-6539
 - 4. For any person to fail to obey an ordinance passed pursuant to 3.2-6522.
 - 5. For any owner to fail to dispose of the body of his companion animals in accordance 3.2-6554.
 - 6. For the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.

7. For any person to conceal or harbor any dog or cat on which any required license tax has not been paid.
 8. For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.
 9. Any other violation of this chapter for which a specific penalty is not provided.
- B It is a Class 1 Misdemeanor for any person to:
1. Present a false claim or to receive any money on a false claim under the provisions of 3.2-6553; or
 2. Impersonate a humane investigator.

Mayor Yates stated he has given the Council Member the following information on abandonment and manner of keeping animals. These are items which will strengthen the animal control ordinance.

Abandonment

It is unlawful to abandon any dog, cat or other domestic animal.

Manner of Keeping Animals

No person shall keep or maintain any animal in such a manner as to cause the animal to become a public nuisance, or disturb the peace, comfort or health of any person.

Responsible pet ownership includes keeping cats under control of an owner. The Animal Control ordinance does not mandate a leash for cats. Therefore, cats can run at large, however, when a cat becomes a nuisance to an adjoining neighbor, a walker or jogger, Animal Control can take steps to investigate and trap the nuisance cat(s). If an owner can be found, we will issue a citation

No owner shall fail to exercise proper care and control of his or her cat to prevent it from becoming a public nuisance.”

Mayor Yates asked Shannon Senter if there was anything he would like to add?

Shannon Senter, Animal Control Officer, replied, “ Everything appears to be covered.”

Mayor Yates asked, “Do you think the town’s ordinance is good.”

Shannon Senter, Animal Control Officer replied, "Yes, but the ordinance must be enforced."

Mayor Yates stated in his opinion the abandonment of animal and responsible pet ownership needs to be added to the ordinance. He also mentioned the animal control ordinance does not mandate a leash for cats, but can be implimented into the ordinance if the coucil wishes.

Coucil Member Diana Reedy asked, "Can the town mandate a cat have a collar showing owenership of the cat?"

Mayor Yates replied, "Yes, if the town decides to require tags for cats, then they will have to have a collar."

Mayor Yates asked, Shannon Senter, Animal Control Officer, if he knew of any local locality that issued tags for cats?"

Shannon Senter, Animal Control Officer, replied, "No."

Mayor Yates asked, Shannon Senter, Animal Control Officer, "How do you feel about the town adopting an ordinance requiring cat owners to licenses their cats?"

Shannon Senter, Animal Control Officer replied, "It would be a good, if the owners would purchase the tags."

Council Member Diana Reedy asked, "If I were to put in a dog kennel, would I not have to have the kennel registered."

Shannon Senter, Animal Control Officer, replied, "Are you selling dogs?"

Council Member Diana Reedy replied, "No, suppose I just own several pets."

Shannon Senter, Animal Control Officer replied, "No as long as the pets are cared for, vacinated, and lincensed."

Mayor Yates asked, "How does a kennel licenses come into play?"

Shannon Senter, Animal Control Officer replied, "If an owner sells for profit, then they must have a business licenses."

Mayor Yates asked the council if they wanted to leave the ordinance as is, or add additional language to require license?

Council Member Diana Reedy stated some citizens wanted the council to limit the number of pets per house, and I don't think this is a bad idea.

Shannon Senter, Animal Control Officer suggested when Chief Wallace checks on a complaint, and no one claims the animal, then notify me immediately, so traps can be set to catch the animal.

Council Member Johnnie Branham asked if cats had to be a certain age, before they had to be tagged or licenses?

Mayor Yates replied, “the cat needs to be four months old or older.”

Council Member Johnnie Branham asked, “if an animal has a tag or collar can it be picked-up?”

Shannon Senter, Animal Control Officer replied, “Yes, and when the owner picks the animal up from the shelter give the owner a citation. This will make pet owners more responsible.”

Nadean Belcher asked, “Can the town put a number on how many animals one family has.”

Mayor Yates replied, “Research would have to be done on this, before the town could answer.”

Mayor Yates asked, “Does the council want to implement language in the animal control ordinance to limit the number of pets per household, and also, issue license/tags for cats. If so, these items need to be researched, to make sure what the town can and cannot do.”

Council Member Johnnie Branham stated the licences needs to be for pets four months old or older.

Mayor Yates asked, if the town requires cats to have a tag/licenses, would the town be responsible for issuing the tags/licenses?”

Shannon Senter, Animal Control Officer replied, “Yes.”

Mayor Yates asked, as far as you know, the town can issue tags for cats, and the county could continue to issue the dog tags?

Shannon Senter, Animal Control Officer replied, “Yes, and suggested checking with other localities.”

Mayor Yates said, he would work on the ordinance and review again in January.

C. Façade Design Program

Mayor Yates reported this is part of the revitalization project and needs to be adopted.

Council Member Diana Reedy asked is the advisory board was in place?

Mayor Yates replied, “Yes, the committee has two members from the council, the town attorney, and two community members. The committee is as follows: Mayor Larry Yates, Vice Mayor Mike Harris, Town Attorney Kerry Hay, community members Rebecca Mondrage, and Ronnie Turner. This community will also, serve as the advisory board for the revolving loan program. He stated more people can be added to the committee, the reason it was decided to go with two people from the council, so it would not have to be called a meeting.

With no further discussion the motion was made by Council Member Rocky Wood and seconded by Joe Sperow to approve the Façade Design Program. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEM # VII – MAYOR’S COMMENTS

Mayor Yates reported he had been working with Department of Housing and Community Development and People Incorporated on the Façade Design Program, and the Revolving Loan Design Program. Mayor Yates also mentioned on Monday, December 13, 2010, a public meeting will be held at Clintwood Elementary School. The purpose of the meeting is to make the community aware of business opportunities that may result from the building of the consolidated high school such as rental properties, supplier for contractors. After the first of the year the same type of meeting will be held in Haysi.

ITEM # VII – COUNCIL COMMENTS

Council Member Rocky Wood stated there is a drainage problem between the bridge and Gay Counts’ residents. The drain is not working properly causing the water to stand in the roadway. Motorist are more likely to have an accident and/or stall a vehicle due to water in roadway.

Mayor Yates mentioned last fall the debris next to the sidewalk was removed to help the water drain.

Council Member Rocky Wood said the drain needs to be moved.

Mayor Yates said on the town’s web page there is a form that can be sent to VDOT about concerns with road conditions, and he encourages council members to send in the form.

ITEM # IX – NEW BUSINESS

A. Breaks Interstate Park-Matthew O’Quinn-Superintendent

Mayor Yates welcomed Breaks Interstate Park Superintendent Matthew O’Quinn to the meeting.

Mr. O'Quinn presented a power point presentation on the newest projected he is working on for the park. He mentioned the Breaks Park pool is in need of repairs, and has issues. He said what he would like to do instead of building a new pool is build a water park. Mr. O'Quinn said what he needs from the town is a letter of support, supporting this project. After the power point presentation, and a general discussion, the motion was made by Council Member Diana Reedy and seconded by Rocky Wood for a letter to be written in support of the project. Let the record show the motion on the floor passed unanimously by verbal voting.

B. Employee Christmas Bonus and Christmas Dinner

Mayor Yates informed the council the annual Christmas Dinner is scheduled for December 14, 6:00 P.M. Dinner is being prepared by Triple T, Clinchco.

Mayor Yates stated each year the town employees receive a Christmas bonus. He is requesting on behalf of the town employees a Christmas bonus of \$300.00. A motion was made by Council Member Johnnie Branham and seconded by Rocky Wood to approve a Christmas bonus for each town employee. Let the record show the motion on the floor passed unanimously by verbal voting.

C. Grievance Procedure, U.S. Department of Housing and Urban Development-Section 504

Mayor Yates stated the Grievance Procedure is another house keeping item under the CDBG program.

Council Member Rocky Wood asked, "Does the council need to adopt Grievance Procedure?"

Mayor Yates replied, "Yes."

Upon motion made by Rocky Wood and seconded by Diana Reedy to adopt the Grievance Procedure. Let the record show the motion on the floor passed unanimously by verbal voting.

D. Personal Policy Manual

Mayor Yates stated each member received a sample copy of a personal policy. The copy is a tool to develop a policy for the town. The Mayor asked for two volunteers to service on the personal policy committee along with the town clerk.

Council Member Diana Reedy and Council Member Rocky Wood volunteer to serve on the committee.

D. Financial Policy Manual

Mayor Yates asked for a couple of volunteer to serve on the Financial Policy Manual committee along with the town clerk. He said he does not have a template in place for this manual, but has contact VML for one.

Vice Mayor Mike Harris and Council Member Barry Whitt volunteer to serve on the committee.

G. Resolution-Appropriation of Funds

Mayor Yates said the council needs to adopt a resolution so funds can be appropriated for the Haysi Downtown Revitalization Project. Virginia Department of Housing and Community Development will appropriate \$350,000.

With no further discussion the motion was made by Council Member Rocky Wood, seconded by Council Member Diana Reed to adopt the resolution to appropriate funds for the Haysi Downtown Revitalization Project. Let the record show the motion on the floor passed unanimously by verbal voting.

ITEMS #X-PUBLIC COMMENT

Kay Owens said she thought there was a good attendance for the tree lighting ceremony, and would like to say thank you to those who were involved with organizing the event and for those who participated.

ITEM # XII – ADJOURNMENT

There being no other business to be brought before the Council, a motion was made by Council Member Diana Reedy seconded by Council Member Joe Sperow to adjourn the meeting. Let the record show the motion was passed unanimously by verbal voting and the meeting was adjourned.

Larry D. Yates, Mayor

Attest:

Clerk